



10/9/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Certificate

OCT 22 2002

of Correction

Patent Application of
Ruey J. Yu *et al.*

Appln. No.: 09/227,213
Filed: January 8, 1999

Patent No.: 6,159,485
Issued: December 12, 2000

**For: N-ACETYL ALDOSAMINES,
N-ACETYLAMINO ACIDS AND
RELATED N-ACETYL COMPOUNDS
AND THEIR TOPICAL USE**

: **ATTN:** Certificate of Correction
: Branch

: Attorney Docket
: No. **8976-25**

REQUEST FOR CERTIFICATE OF CORRECTION
UNDER 37 C.F.R. §§ 1.322 and 1.323

This request seeks issuance of a Certificate of Correction to correct errors of a typographical nature and of a minor character, as noted below in U.S. Patent No. 6,159, 485 ("the '485 patent"). The text of the corrections requested is submitted herewith on a special Certificate of Correction form, PTO/SB/44, which can serve as the camera copy for use in direct offset printing of the Certificate of Correction.

Request for Certificate of Correction Under § 1.322

It is submitted that the U.S. Patent and Trademark Office is responsible for a typographical error appearing in the '485 patent at column 15, line 20. The item appears correctly in Application No. 09/227,213 (hereinafter "the Application"), as originally filed.

Specifically, at page 26, line 12, the correct figure “89%” is provided, whereas in the ‘485 patent the figure is erroneously printed as “891 %” (col. 15, line 20).

Because the error is a printing error on the part of U.S.P.T.O., the applicants request that a Certificate of Correction be issued pursuant to 37 C.F.R. 1.322. The text of the

correction requested is submitted herewith on a special Certificate of Correction form, PTO/SB/44.

Request for Certificate of Correction Under § 1.323

It is submitted that the errors described below appearing in the '485 patent are mistakes on the part of the applicants within the meaning of 37 C.F.R. 1.323. The errors, being typographical in nature and of a minor character, do not involve such changes in the patent as would materially affect the scope or meaning of the patent, as is set forth more fully below. The errors occurred inadvertently and in good faith, and the correction of such errors does not involve changes that would constitute new matter to the application or that would require reexamination. Accordingly, a Certificate of Correction issued under 37 C.F.R. 1.323 is respectfully requested. As noted above, Form PTO/SB/44 is attached hereto, in duplicate, showing the text of the corrections and the location of each error in the issued patent.

Misspelling of "Gylcine"

Erroneously and in good faith, the compound "N-acetyl-glycine" was misspelled as "N-acetyl-glucine". The error appears in the '485 patent at col. 4, lines 3-4. The corresponding error is found in the application as filed at page 6, line 10.

That such misspelling is a mere typographical error is apparent upon review of the specification. The correct spelling of the term "N-acetyl-glycine" appears numerous times in the application as filed and the patent specification and claims. *See*, the '485 patent at col. 5, line 50; col. 11, lines 41 and 44-45; col. 18, lines 36, 39, 40, and 43; and claims 1, 6, 10, 12, and 17.

Further, "glucine" is known in the art to be the beryllium-containing mineral $(\text{CaBe}_4(\text{PO}_4)(\text{OH})_4\text{O} \cdot 5\text{H}_2\text{O})$ and not an amino acid. Thus, "N-acetyl glucine" is not a valid amino acid compound and logic dictates that it is not an N-acetyl derivative of an amino acid as described by the invention, but is merely a misspelling of "N-acetyl-glycine". *See*, application at page 6, lines 9-10. Thus, the spelling error is readily apparent to a person of ordinary skill in the art, and correction of such error does not involve changes that would constitute new matter, or that would require reexamination. The error is located in the '485 patent as is shown on the enclosed Form PTO/SB/44.

Failure to delete "N-acetylcysteine"

Erroneously and in good faith, the compound "N-acetylcysteine" was included into several claims of the application. This error appears in the '485 patent at the four instances listed below:

- (i) claim 1 (col. 20, lines 32-33);
- (ii) claim 6 (col. 22, line 59);
- (iii) claim 10 (col. 24, line 30); and
- (iv) claim 17 (col. 28, line 36).

The applicants assert that this error is a typographical error made in without bad faith, and it was included in the application as a result of typographical errors. The error can be found in the application and in the claims inserted by the Amendment, filed November 24, 1999, as follows:

- (a) page 3, line 4 of the Amendment (claim 1);
- (b) page 12, line 9 of the Amendment (claim 22 as-filed, now claim 10);
- (c) page 39, line 6 of the application (claim 7 as-filed, now claim 6); and
- (d) page 45, line 3 of the application (claim 17).

When drafting the claims and/or making the Amendment to the claims, the applicants, erroneously and in good faith inadvertently and incorrectly included "N-acetyl-cysteine" in the recited list of N-acetyl amino acids.

The error of inclusion of "N-acetyl cysteine" is of a minor character and of a readily apparent typographical nature; each of the claims clearly excluded "N-acetyl cysteine." At the time of filing, claim 1 recited an N-acetyl amino acid of a specific structure, but expressly excluded N-acetyl cysteine ("and wherein said N-acetyl amino acid is not N-acetyl cysteine or a derivative thereof.") (Page 36, line 2). Claims 6 and 17 also included this element, as each was/is dependent from claim 1.

When claim 1 was amended by substitution of the Markush group of N-acetyl amino acids in the Amendment, and in the drafting of claims 6 and 17, the N-acetyl acid was erroneously included. Similarly, by addition of claim 10, by the Amendment, the N-acetyl amino acid and N-acetyl cysteine was included.

Because it is clear that "N-acetyl-cysteine" was not to be included within the scope of the claims, as the aforementioned errors are minor in nature and correcting the errors provides more accurate information to the reader of the '485 patent, consistent with the

knowledge of those skilled in the art, the applicants submit that the correction does not constitute new matter. Accordingly, the applicants respectfully request that the attached Certificate of Correction be issued forthwith.

Please send the Certificate to the undersigned. A check in the amount of \$100 is enclosed. A duplicate copy of this request is attached.

Respectfully submitted,

RUEY J. YU

9 October 2002

(Date)

By:

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Enclosures: *Form PTO/SB/44 (in duplicate)*

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO : 6,159,485

DATED : December 12, 2000

INVENTOR(S) : Ruey J. Yu, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent
is hereby corrected as shown below:

Col. 4, lines 3-4: Delete "N-acetyl-glucine" and insert -- N-acetyl-glycine --.
Col. 15, line 20: Delete "891%" and insert -- 89% --.
Col. 20, lines 32-33: Delete "N-acetyl-cysteine".
Col. 22, line 59: Delete "N-acetyl-cysteine".
Col. 24, line 30: Delete "N-acetyl-cysteine".
Col. 28, line 36: Delete "N-acetyl-cysteine".

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DATED : December 12, 2000
INVENTOR(S) : Ruey J. Yu, et al.

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Col. 28, line 36: Delete "N-acetyl-cysteine".

MAILING ADDRESS OF SENDER: Kristyne A. Bullock (Reg. No. 42,371) PATENT NO. 6,159,485

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,733,535

Page 1 of 2

DATED : March 31, 1998

INVENTOR(S) : Judith Ann Hollingshead and Larry Richard Robinson

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

column 1, line 57 "maledor" should read --malodor--.

column 2, line 7 "mash" should read --masks--.

column 4, line 7 "aeceptable" should read --acceptable--.

column 6, line 41 "Perfume" should read --perfume--.

column 6, line 53 "carders" should read --carriers--.

column 6, line 61 "carders" should read --carriers--.

column 7, line 9 "Liquid" should read --liquid--.

column 7, line 12 "Liquid" should read --liquid--.

column 7, line 30 "Coming" should read --Corning-- at both occurrences.

column 7, line 35 "Coming" should read --Corning--.

column 7, line 54 "cycloxxhethicones" should read --cyclomethicones--.

column 7, lines 60-61 "Coming" should read -- Corning--.

column 7, line 64 "Coming" should read --Corning--.

column 8, line 23 "Coming" should read --Corning--.

column 9, line 6 "silicon emulsifier" should read --silicone emulsifiers--.

column 10, line 4 "caxboxylate" should read --carboxylate--.

column 10, line 10 "Coming" should read --Corning--.

column 10, line 36 "et at." should read --et al.--.

column 10, line 43 "et at." should read --et al.--.

column 10, line 63 "et at." should read --et al.--.

column 10, line 64 "et at." should read --et al.--.

column 10, line 65 "et at." should read --et al.--.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 5,733,535

Page 2 of 2

DATED : March 31, 1998

INVENTOR(S) : Judith Ann Hollingshead and Larry Richard Robinson

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

column 11, line 9 "monolaturate" should read --monolaurate--.

column 11, line 15 "carders" should read --carriers--.

column 13, line 66 "et at." should read --et al.--.

column 14, line 15 "careen" should read --carbon--.

column 14, line 60 "dedecylaminopropane" should read --dodecylaminopropane--.

column 15, line 12 "165P" should read --16SP--.

column 15, lines 42-43 "comparable" should read --compatable--.

column 15, line 57 "zinc dime" should read --zinc diamine--.

column 15, lines 62-63 "ferrate(H)" should read -- ferrate(II) --.

column 16, line 17 "titrate" should read --citrate--.

column 17, line 22 "soybean off" should read --soybean oil--.

column 17, line 51 "et at." should read --et al.--.

column 17, line 52 "et at." should read --et al.--.

column 17, line 53 "et at." should read --et al.--.

column 18, line 1 "flagrance" should read --fragrance--.

column 18, line 44 "et at." should read --et al.--.

column 18, line 45 "et at." should read --et al.--.

column 22, line 36 "titrate" should read --citrate--.

Signed and Sealed this
Fourteenth Day of July, 1998



Attest:

BRUCE LEHMAN

Attesting Officer

Commissioner of Patents and Trademarks